



Journal of the House

State of Indiana

112th General Assembly

Second Regular Session

Third Meeting Day

Tuesday Afternoon

January 8, 2002

The House convened at 1:00 p.m. with the Speaker in the Chair.

The invocation was offered by Pastor Neil Butcher, United Methodist Church, Albany, the guest of Representative Ronald D. Liggett.

The Pledge of Allegiance to the Flag was led by Representative Liggett.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman ...	Klinker
Atterholt	Kromkowski
Avery	Kruse
Ayres	Kruzan
Bardon	Kuzman
Bauer	Lawson
Becker	Leuck
Behning ...	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	McClain
C. Brown ...	Mock
T. Brown	Moses
Buck	Munson
Budak	Murphy
Buell	Noe
Burton	Oxley
Cheney	Pelath
Cherry	Pond
Cochran	Porter
Cook	Reske
Crawford	Richardson
Crooks	Ripley
Crosby	Robertson
Day	Ruppel
Denbo	Saunders
Dickinson	Scholer ...
Dillon	M. Smith
Dobis	V. Smith
Dumezich ...	Steele
Duncan	Stevenson
Dvorak	Stilwell
Espich	Sturtz
Foley	Summers
Frenz	Thompson
Friend	Tincher
Frizzell	Torr
Fry ...	Turner
GiaQuinta	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

Roll Call 4: 94 present; 6 excused. The Speaker announced a quorum in attendance. [NOTE: ... indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, January 9, 2002, at 1:00 p.m.

KROMKOWSKI

Motion prevailed.

CHANGES IN COMMITTEE MEMBERSHIP

Committee on Agriculture, Natural Resources and Rural Development, Representative Murphy replacing former Representative Mannweiler;

Committee on Courts and Criminal Code, Representative Goodin replacing former Representative Mellinger as Vice Chair and Representative Reske added as a committee member;

Committee on Education, Representative Reske replacing former Representative Mellinger;

Committee on Insurance, Corporations and Small Business, Representative Reske replacing former Representative Mellinger;

Committee on Labor and Employment, Representative Borror replacing Representative Murphy;

Committee on Local Government, Representative Hinkle replacing former Representative Goeglein as Ranking Minority Member and Representative Noe added as a committee member;

Committee on Public Health, Representative Borror replacing former Representative Goeglein; and

Committee on Public Policy, Ethics and Veterans Affairs, Representative Noe replacing former Representative Mannweiler.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

HB 1002 — Cheney, Ayres, Bauer, C. Brown, Kuzman, Budak, Aguilera, Dobis, Dumezich, Harris, L. Lawson, V. Smith, Stevenson (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1005 — Bodiker, Atterholt, L. Lawson (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1006 — Mangus (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1007 — Mangus (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1008 — Mangus (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1009 — Herrell (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1010 — Herrell (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1011 — Herrell (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1012 — Herrell (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1013 — Day, Foley (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1014 — Day, Ayres, Kruzan (Elections and Apportionment)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1015 — Cochran, Dobis, Bauer (Human Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations and consumer sales.

HB 1016 — Duncan, Cook (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1017 — Oxley (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1018 — Oxley (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1019 — Oxley (Roads and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

HB 1020 — Dobis (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1021 — Dobis (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning general provisions.

HB 1022 — Ulmer (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1023 — Ulmer (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1024 — Ulmer (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1025 — Stevenson (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

HB 1026 — Stevenson (Local Government)

A BILL FOR AN ACT concerning local government.

HB 1027 — Kuzman (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1028 — Stilwell (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1029 — Grubb, Murphy, Kersey (Human Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1030 — Grubb, Dillon, Welch (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1031 — Murphy, Grubb, Ruppel, Stilwell (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

HB 1032 — Hasler, Ayres (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1033 — Mahern (Elections and Apportionment)

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

HB 1034 — Torr, T. Adams (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning general provisions.

HB 1035 — Torr (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

HB 1036 — Torr (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1037 — Cook (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1038 — Cook (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1039 — Withdrawn pursuant to House Rule 111**HB 1040** — Dobis (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

HB 1041 — D. Young, Stevenson (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1042 — Ulmer (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1043 — Frenz, Stilwell (Agriculture, Natural Resources and Rural Development)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1044 — Frenz (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1045 — Cherry (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1046 — Withdrawn pursuant to House Rule 111**HB 1047** — Budak, C. Brown, Becker (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1048 — Budak, Crosby, Becker, C. Brown (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1049 — Crosby (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1050 — Crosby (Public Health)

A BILL FOR AN ACT concerning human services.

HB 1051 — Duncan (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1052 — Foley (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1053 — Frizzell, Sturtz (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

HB 1054 — L. Lawson (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning public employees.

HB 1055 — Dickinson (Commerce, Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1056 — Dickinson (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1057 — Dickinson (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

HB 1058 — Becker, C. Brown, Budak (Public Health)

A BILL FOR AN ACT concerning health.

HB 1059 — Cheney (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1060 — J. Lutz (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1061 — J. Lutz (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1062 — Tincher (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense, and military affairs.

HB 1063 — Tincher (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1064 — Tincher, Scholer (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1065 — Tincher (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1066 — Hasler (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1067 — Hasler (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1068 — Buck (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

HB 1069 — Buck (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1070 — Stilwell (Labor and Employment)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

HB 1071 — Stilwell (Roads and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1072 — L. Lawson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1073 — Avery (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law and to make an appropriation.

HB 1074 — Cook (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1075 — Mahern, M. Smith, Kuzman (Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning consumer credit.

HB 1076 — Ayres, Kuzman, Sturtz, Alderman (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1077 — Ayres, Sturtz, Kuzman, Foley (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1078 — Frizzell (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1079 — Frizzell (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1080 — Mahern (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

HB 1081 — Kersey (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1082 — Kersey (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1083 — Kersey (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1084 — Kersey (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1085 — M. Smith (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1086 — M. Smith (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning public pensions.

HB 1087 — M. Smith (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1088 — M. Smith (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1089 — Atterholt (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1090 — Atterholt (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1091 — Atterholt, Krusan (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1092 — Friend, Grubb (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1093 — Friend (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1094 — Friend, Grubb (Commerce, Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1095 — Friend (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1096 — Cherry (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1097 — Cherry, Wolkins (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1098 — Hoffman (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning charity gaming.

HB 1099 — Hoffman, Bodiker (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1100 — Kromkowski (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1101 — Kromkowski, Richardson, Cheney, Behning (Elections and Apportionment)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1102 — Kromkowski (Roads and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1103 — Day, Buell (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1104 — Ayres, Stevenson, T. Adams, Saunders (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1105 — Duncan (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1106 — Moses, Mangus, Liggett (Commerce, Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1107 — Buell (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning charity gaming.

HB 1108 — Porter (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1109 — Torr (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1110 — Leuck, GiaQuinta, Buell, McClain (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1111 — Leuck (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1112 — Leuck, Wolkins, Kuzman, Yount (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1113 — Leuck (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1114 — Cheney (Agriculture, Natural Resources and Rural Development)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1115 — Cheney (Commerce, Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1116 — Fry (Commerce, Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1117 — Fry (Commerce, Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1118 — Fry (Commerce, Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1119 — Grubb, Friend (Agriculture, Natural Resources and Rural Development)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1120 — Weinzapfel (Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1121 — Weinzapfel (Agriculture, Natural Resources and Rural Development)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1122 — Stilwell (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1123 — L. Lawson (Human Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1124 — Murphy (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1125 — Murphy (Rules and Legislative Procedures)

A BILL FOR AN ACT concerning criminal law and procedure.

HB 1126 — Denbo (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1127 — Denbo (Human Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1128 — Duncan (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1129 — Alderman (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

HB 1130 — Alderman (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning bonding.

HB 1131 — Alderman (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1132 — Alderman (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

HJR 1 — Ulmer (Rules and Legislative Procedures)

A JOINT RESOLUTION proposing an amendment to Article 1 of the Indiana Constitution.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Twelfth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS: **Section 38. The people have a right to hunt, fish, and harvest game, subject to laws prescribed by the General Assembly and rules prescribed by virtue of the authority of the General Assembly.**

HJR 2 — Murphy, Grubb (Rules and Legislative Procedures)

A JOINT RESOLUTION proposing an amendment to Article 5 of the Indiana Constitution concerning state offices and administration.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. ARTICLE 5, SECTION 10 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 10. (a) In case the Governor-elect fails to assume office, or in case of the death or resignation of the Governor or **his the Governor's** removal from

office, the Lieutenant Governor shall become Governor and hold office for the unexpired term of the person whom **he the Lieutenant Governor** succeeds. In case the Governor is unable to discharge the powers and duties of **his the** office, the Lieutenant Governor shall discharge the powers and duties of the office as Acting Governor.

(b) Whenever there is a vacancy in the office of Lieutenant Governor, the Governor shall nominate a Lieutenant Governor who shall take office upon confirmation by a majority vote in each house of the General Assembly and hold office for the unexpired term of the ~~person whom he succeeds~~ **previous Lieutenant Governor**. If the General Assembly is not in session, the Governor shall call it into special session to receive and act upon the Governor's nomination. In the event of the inability of the Lieutenant Governor to discharge the powers and duties of **his the** office, the General Assembly may provide by law for the manner in which a person shall be selected to act in **his the Lieutenant Governor's** place and declare which powers and duties of the office such person shall discharge.

(c) Whenever the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives **his the Governor's** written declaration that ~~he the Governor~~ is unable to discharge the powers and duties of **his the** office, and until ~~he the Governor~~ transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as Acting Governor. Thereafter, when the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives **his the Governor's** written declaration that no inability exists, ~~he the Governor~~ shall resume the powers and duties of **his the** office.

(d) Whenever the President pro tempore of the Senate and the Speaker of the House of Representatives file with the Supreme Court a written statement suggesting that the Governor is unable to discharge the powers and duties of **his the** office, the Supreme Court shall meet within forty-eight hours to decide the question and such decision shall be final. Thereafter, whenever the Governor files with the Supreme Court **his the Governor's** written declaration that no inability exists, the Supreme Court shall meet within forty-eight hours to decide whether such be the case and such decision shall be final. Upon a decision that no inability exists, the Governor shall resume the powers and duties of **his the** office.

(e) Whenever there is a vacancy in both the office of Governor and Lieutenant Governor, the General Assembly shall convene in joint session forty-eight hours after such occurrence and elect a Governor from and of the same political party as the immediately past Governor by a majority vote of each house. **If either house of the General Assembly is unable to assemble a majority of its members because of vacancies in the membership of that house, the General Assembly shall convene not later than forty-eight hours after a sufficient number of the vacancies are filled to provide a majority of members for that house. The General Assembly may provide by law for persons other than the Governor to discharge the Governor's powers and duties until the General Assembly fills a vacancy described in this subsection.**

(f) The following apply to a law enacted by the General Assembly after December 31, 2001, that provides for persons other than the Governor to discharge the Governor's powers and duties until the General Assembly fills a vacancy in the office of Governor described in subsection (e):

(1) The law is valid if both of the following apply:

(A) The law is consistent with subsection (e) to provide for the discharge of the Governor's powers and duties by persons other than the Governor.

(B) The law is otherwise consistent with this Constitution.

(2) The General Assembly may amend or repeal the law.

(3) The acts of an individual who discharges the Governor's powers and duties under the law are valid if exercised consistently with this Constitution and other Indiana laws.

HJR 3 — Foley, Cherry (Rules and Legislative Procedures)

A JOINT RESOLUTION proposing an amendment to Article 10, Section 1 of the Indiana Constitution concerning taxation.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Twelfth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 10, SECTION 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 1. (a) **Subject to this Section**, the General Assembly shall provide, by law, for a uniform and equal rate of property assessment and taxation and shall prescribe regulations to secure a just valuation for taxation of all property, both real and personal.

(b) **The General Assembly may classify taxable property into one (1) or more classes and establish the percentage of just valuation that will be taxed in each class.**

(c) The General Assembly may exempt from property taxation any property in any of the following classes:

- (1) Property being used for municipal, educational, literary, scientific, religious or charitable purposes;
- (2) Tangible personal property other than property being held for sale in the ordinary course of a trade or business, property being held, used or consumed in connection with the production of income, or property being held as an investment;
- (3) Intangible personal property.

(d) The General Assembly may exempt any motor vehicles, mobile homes, airplanes, boats, trailers or similar property, provided that an excise tax in lieu of the property tax is substituted therefor.

HJR 4 — Frizzell (Rules and Legislative Procedures)

A JOINT RESOLUTION proposing an amendment to Articles 4 and 5 of the Indiana Constitution concerning taxation.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendments to the Constitution of the State of Indiana are proposed and agreed to by this, the One Hundred Twelfth General Assembly of the State of Indiana, and are referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 4, SECTION 25 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 25. (a) **Except as provided in subsection (b)**, a majority of all the members elected to each House shall be necessary to pass every bill or joint resolution; and all bills and joint resolutions so passed shall be signed by the Presiding Officers of the respective Houses.

(b) **A bill that increases state tax rates or establishes a new state tax may not become law unless:**

(1) **at least two-thirds of the members elected to each House:**

(A) **declare that an emergency exists; and**

(B) **vote to approve the bill; or**

(2) **a majority of the persons voting in a statewide election approve the tax increase or new tax.**

SECTION 3. ARTICLE 5, SECTION 14 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 14. (a) Every bill which shall have passed the General Assembly shall be presented to the Governor. The Governor shall have seven days after the day of presentment to act upon such bill as follows:

(1) He may sign it, in which event it shall become a law.

(2) He may veto it:

(A) In the event of a veto while the General Assembly is in session, he shall return such bill, with his objections, within seven days of presentment, to the House in which it originated. If the Governor does not return the bill within seven days of presentment, the bill becomes a law notwithstanding the veto.

(B) If the Governor returns the bill under clause (A), the House in which the bill originated shall enter the Governor's objections at large upon its journals and proceed to reconsider and vote upon whether to approve the bill. The bill must be reconsidered and voted upon within the time set out in clause (C). If, after such reconsideration and vote, a

majority of all the members elected to that House shall approve the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall likewise be reconsidered and voted upon, and, if approved by a majority of all the members elected to that House, it shall be a law.

(C) If the Governor returns the bill under clause (A), the General Assembly shall reconsider and vote upon the approval of the bill before the final adjournment of the next regular session of the General Assembly that follows the regular or special session in which the bill was originally passed. If the House in which the bill originated does not approve the bill under clause (B), the other House is not required to reconsider and vote upon the approval of the bill. If, after voting, either House fails to approve the bill within this time, the veto is sustained.

(D) In the event of a veto after final adjournment of a session of the General Assembly, such bill shall be returned by the Governor to the House in which it originated on the first day that the General Assembly is in session after such adjournment, which House shall proceed in the same manner as with a bill vetoed before adjournment. The bill must be reconsidered and voted upon within the time set out in clause (C). If such bill is not so returned, it shall be a law notwithstanding such veto.

(3) He may refuse to sign or veto such bill in which event it shall become a law without his signature on the eighth day after presentment to the Governor.

(b) Every bill presented to the Governor which is signed by him or on which he fails to act within said seven days after presentment shall be filed with the Secretary of State within ten days of presentment. The failure to so file shall not prevent such a bill from becoming a law.

(c) In the event a bill is passed over the Governor's veto, such bill shall be filed with the Secretary of State without further presentment to the Governor, provided that, in the event of such passage over the Governor's veto in the next succeeding General Assembly, the passage shall be deemed to have been the action of the General Assembly which initially passed such bill.

(d) Notwithstanding subsection (a), a bill that increases state tax rates or establishes a new state tax does not become law over the veto of the Governor unless two-thirds of the members elected to each House approve the bill after reconsideration.

HJR 5 — Cheney, Kromkowski, Richardson, Behning (Elections and Apportionment)

A JOINT RESOLUTION proposing an amendment to Article 4 of the Indiana Constitution concerning the general assembly.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Twelfth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 4, SECTION 22 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 22. The General Assembly shall not pass local or special laws **for any of the following purposes:**

Providing for the punishment of crimes and misdemeanors.

Regulating the practice in courts of justice.

Providing for changing the venue in civil and criminal cases.

Granting divorces.

Changing the names of persons.

Providing for laying out, opening, and working on, highways, and for the election or appointment of supervisors.

Vacating roads, town plats, streets, alleys, and public squares.

Summoning and empanelling grand and petit juries, and providing for their compensation.

Regulating county and township business;

Regulating the election of county and township officers and their compensation.

Providing for the assessment and collection of taxes for State **county, township, or road purposes.**

Providing for the support of common schools, or the preservation of school funds.

Relating to fees or salaries, except that the laws may be so made as to grade the compensation of officers in proportion to the population and the necessary services required.

Relating to interest on money.

Providing for opening and conducting elections of State, county, or township officers, and designating the places of voting.

Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees.

SECTION 3. ARTICLE 4, SECTION 23 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 23. **(a)** In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State.

(b) Notwithstanding subsection (a), the General Assembly may pass a local or special law for any of the following purposes:

- (1) To regulate the structure, operation, or other business of a political subdivision or a class of political subdivisions.**
- (2) To provide for raising or spending revenue by a political subdivision or a class of political subdivisions.**
- (3) To permit a political subdivision or class of political subdivisions to regulate their local affairs not inconsistent with general laws.**

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Reske be added as coauthor of House Bill 1029.

GRUBB

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Budak and L. Lawson be added as coauthors of House Bill 1111.

LEUCK

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Munson the House adjourned at 1:25 p.m., this eighth day of January, 2002, until Wednesday, January 9, 2002, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives